

Remarks

Claims 1-4, 10 and 14 have been cancelled. Applicants reserve the right to file continuation applications to cover the subject matter of the cancelled claims.

Claims 15-17 have been added. Claim 15 corresponds to the compound of Example 92 in the application. Claims 16-17 are supported by Examples 71-95. No new matter has been added.

Claims 13 and 14 have been rejected under 35 U.S.C. § 112, first paragraph. According to the Examiner, the specification is enabling for leukemias, but not for all proliferative diseases. Claim 14 has been cancelled and Claim 13 has been amended to now recite leukaemias. This amendment overcomes the rejection.

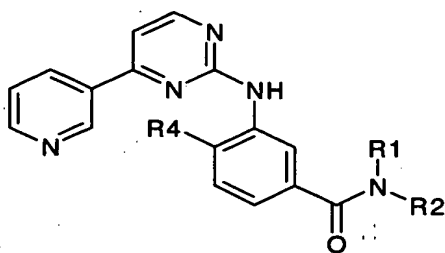
Claims 1-14 have been rejected under 35 U.S.C. § 112, second paragraph:

1. According to the Examiner, the recitation of "and N-oxide" is unclear. Applicants thank the Examiner for the helpful suggestion and have amended the claims as suggested to recite "or N-oxide".
2. Claim 1 has been rejected based on the definition of R2. Since claim 1 has been cancelled, this rejection is moot.
3. In Claim 11 the term "derivative" has been rejected as unclear, and as the Examiner suggests, this term has been deleted.
4. Claim 14 has been cancelled and the rejection is moot.

Claim 14 has been rejected under 35 U.S.C. § 101, however as this claim has been cancelled, the rejection is moot.

Claims 1-5 and 11-14 have been rejected under 35 U.S.C. § 102(b) as anticipated by Zimmerman et al. Biorg. Med. Chem. Letters; 7(2), 187-192, 1997. According to the Examiner the present claims read on compound 13 in Table 1 of the reference. The rejection is respectfully traversed.

The compounds of the present claims have the structure:



The right portion of the molecule is the portion which corresponds to R3 in the Zimmerman reference:

Compound 1

-C(O)-N(R1)(R2) where
R2 is phenyl substituted...

Zimmerman Compound 13

R3= 3-aminopropylaminocarbonyl or
-C(O)-NH-CH₂CH₂NH₂

In reference compound 13, R3 is defined as 3-aminopropylaminocarbonyl or -C(O)NH-CH₂CH₂NH₂. According to the present amendments to the claims, R2 is phenyl substituted by one or two substituents. R3 of compound 13 does not include a phenyl substituent and therefore does not anticipate the claims as amended herein. In fact review of all definitions of R3 as disclosed in the reference, show that none read on the present claims as amended herein.

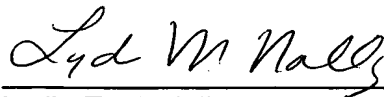
In order to anticipate under 35 U.S.C. § 102(b) a reference must disclose every element of the claimed invention. Zimmerman does not disclose a compound which reads on the present claims as amended and therefore cannot anticipate the claims. Therefore the rejection should be withdrawn.

Claim 10 has been rejected under 35 U.S.C. § 103(b) as obvious from Zimmerman 1997. Since claim 10 has been cancelled the rejection is moot.

In view of the foregoing remarks and amendments, applicants respectfully submit that the present claims are in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7898


Lydia T. McNally
Attorney for Applicants
Reg. No. 36,214

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